

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR213
)	
v.)	
)	
VEGIS L. LLOYD,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion for reduction of sentence (Filing No. 71) and motion to consider modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Filing No. 74).

The defendant seeks a modification or reduction of his sentence pursuant to the recent amendments to the crack cocaine guidelines in the United States Sentencing Guidelines. On May 4, 2005, the defendant entered a plea of guilty to Count I of an indictment which charged defendant with conspiracy to possess with intent to distribute more than fifty (50) grams of cocaine base. As he acknowledged in his plea agreement filed April 29, 2005 (Filing No. 61), he was exposed to a mandatory term of imprisonment of not less than ten (10) years.

On July 22, 2005, defendant was sentenced to a term of imprisonment of ten (10) years. Modifications to the United States Sentencing Guidelines reducing the offense levels for crack cocaine are unavailable to the defendant since the

mandatory minimum term of imprisonment the Court imposed is ten years, regardless of the sentencing range under the guidelines. For these reasons, defendant's motion will be denied.

Accordingly,

IT IS ORDERED that defendant's motions for modification or reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) are denied.

DATED this 8th day of April, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court